

SENATE BILL NO. 1431

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

5985S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 67.280, RSMo, and to enact in lieu thereof three new sections relating to building codes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 67.280, RSMo, is repealed and three
2 new sections enacted in lieu thereof, to be known as sections
3 8.363, 67.280, and 67.283, to read as follows:

8.363. 1. A new facility constructed for the state of
2 Missouri on or after August 28, 2026, shall be constructed
3 in compliance with standards established under the Missouri
4 building codes established in section 67.280.

5 2. A state agency that requires building inspections
6 shall comply with the same standards of inspection as
7 required for construction under section 67.280.

67.280. 1. This section, section 67.283, and section
2 8.363 shall be known and may be cited as the "Missouri
3 Building Codes Act".

4 2. As used in this section, the following terms mean:

5 (1) "Agricultural building", any structure used solely
6 for agricultural purposes in which the use is exclusively in
7 connection with the production, harvesting, storage, drying,
8 or raising of agricultural commodities, including, but not
9 limited to, the raising of livestock;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 (2) "Authority having jurisdiction", any county, fire
11 protection district, municipality, or other entity with the
12 authority and responsibility for developing, implementing,
13 maintaining, and overseeing codes;

14 (3) "Code", any published compilation of rules
15 prepared by various technical trade associations, federal
16 agencies, this state or any agency thereof, but shall be
17 limited to: regulations concerning the construction of
18 buildings and continued occupancy thereof; mechanical,
19 plumbing, and electrical construction; and fire prevention;

20 [(2) "Community", any county, fire protection district
21 or municipality;

22 (3)] (4) "County", any county in the state;

23 [(4)] (5) "Fire protection district", any fire
24 protection district in the state, **as defined in chapter 321;**

25 [(5)] (6) "Municipality", any incorporated city, town,
26 or village.

27 [2.] 3. (1) **There is hereby established the "Missouri**
28 **Building Codes". Such codes shall include, but not be**
29 **limited to, all codes established by state rule or**
30 **regulation governing the following subjects:**

- 31 (a) **Building;**
- 32 (b) **Electrical;**
- 33 (c) **Energy;**
- 34 (d) **Fire;**
- 35 (e) **Mechanical;**
- 36 (f) **Existing building;**
- 37 (g) **Fuel and gas;**
- 38 (h) **Plumbing; and**
- 39 (i) **Residential.**

40 (2) **Such codes shall include model codes published by**
41 **the following entities:**

- 42 (a) The International Association of Plumbing and
43 Mechanical Officials (IAPMO);
44 (b) The International Code Council (ICC); and
45 (c) The National Fire Protection Association (NFPA).
46 (3) The Missouri building codes commission shall begin
47 implementation of the codes established under the provisions
48 of this section by August 28, 2028.

49 4. (1) Any [community, if the community otherwise has
50 the power under the law to adopt such an ordinance,]
51 authority having jurisdiction may adopt or repeal an
52 ordinance [which] that incorporates by reference the
53 provisions of any code or portions of any code, or any
54 amendment thereof, properly identified as to date and
55 source, without setting forth the provisions of such code in
56 full. Upon adoption of such ordinance, all authorities
57 having jurisdiction may adopt and enforce the Missouri
58 building codes listed in this section by reference. Each
59 fire protection district that issues construction permits
60 and that adopts and enforces the Missouri building codes
61 shall follow applicable fire code requirements established
62 by law.

63 (2) At least one copy of such code, portion, or
64 amendment [which] that is incorporated or adopted by
65 reference[,] shall be filed in the office of the clerk of
66 the [community] authority having jurisdiction and there kept
67 available for public use, inspection, and examination. The
68 filing requirements herein prescribed shall not be deemed to
69 be complied with unless the required copies of such codes,
70 portion, or amendment or public record are filed with the
71 clerk of such [community] authority having jurisdiction for
72 a period of ninety days prior to the adoption of the

73 ordinance [which] that incorporates such code, portion, or
74 amendment by reference.

75 [3.] (3) Any ordinance adopting a code, portion, or
76 amendment by reference shall state the penalty for violating
77 such code, portion, or amendment, or any provisions thereof
78 separately, and no part of any such penalty shall be
79 incorporated by reference.

80 (4) A copy of any code, portion, or amendment adopted
81 under the provisions of this subsection that is incorporated
82 by reference shall be provided to the department of commerce
83 and insurance and Missouri building codes commission by the
84 clerk of such authority having jurisdiction.

85 (5) Such authority having jurisdiction shall publish
86 such code, portion, or amendment incorporated by reference
87 on the public website of the authority having jurisdiction
88 as required by the Missouri building codes commission.

89 5. (1) Each authority having jurisdiction that has
90 adopted a building code prior to August 28, 2026, shall
91 adopt the Missouri building codes established in this
92 section. An authority having jurisdiction that has adopted
93 the Missouri building codes prior to August 28, 2026, shall
94 follow the Missouri building codes as required by rule. An
95 authority having jurisdiction may adopt local amendments to
96 the Missouri building codes in accordance with this
97 subsection.

98 (2) Each proposed local amendment shall be accompanied
99 by a statement of why the amendment is important to that
100 community.

101 (3) No local amendment shall be adopted or enforced
102 until the commission approves the amendment.

103 (4) In determining whether to approve or reject a
104 proposed local amendment, the commission shall consider

105 safety, health, local conditions, consistency with the
106 Missouri building codes, and housing affordability.

107 (5) A proposed local amendment, including, but not
108 limited to, adoption of other codes not covered by the
109 current Missouri building codes, shall be the same code year
110 as the current Missouri building codes and shall be updated
111 or amended as described in this subsection.

112 (6) The commission may take up to sixty days following
113 receipt of a proposed local amendment to determine whether
114 to approve or reject. If a determination has not been made
115 by the commission after sixty days, the amendment shall be
116 considered approved.

117 (7) An authority having jurisdiction may appeal the
118 rejection of a proposed local amendment by submitting a
119 letter of appeal to the commission within thirty days of
120 receiving the determination, whereby the committee has sixty
121 days following receipt of the appeal to make a final
122 determination of approval or rejection.

123 6. An authority having jurisdiction that is located
124 within a county of the third or fourth classification and
125 that has not adopted a building code prior to August 28,
126 2026, may adopt a building code under subsection 4 of this
127 section by order or ordinance. No such order or ordinance
128 shall become effective unless the governing body of such
129 authority having jurisdiction submits to the qualified
130 voters of the authority having jurisdiction affected by such
131 proposed building code on any day available for elections
132 for the authority having jurisdiction a proposal to
133 authorize such authority having jurisdiction to adopt a
134 building code.

135 (1) The question submitted shall be in substantially
136 the following form:

137 "Shall _____ (insert name of authority having
138 jurisdiction) have the authority to create, adopt,
139 and impose a building code?".

140 (2) If a majority of the votes cast on the question by
141 the qualified voters voting thereon are in favor of the
142 question, such order or ordinance adopting a building code
143 shall become effective on the first day of the second
144 calendar quarter following the calendar quarter in which the
145 election was held. If a majority of the votes cast on the
146 question by the qualified voters voting thereon are opposed
147 to the question, such order or ordinance adopting a building
148 code shall not become effective unless and until the
149 question is resubmitted to the qualified voters under this
150 subsection and such question is approved by a majority of
151 the qualified voters voting on the question.

152 7. (1) There is hereby created in the department of
153 commerce and insurance the "Missouri Building Codes
154 Commission". Appointments to the commission shall represent
155 the geographic diversity of the state. The Missouri
156 building codes commission shall consist of the state fire
157 marshal, nine members appointed by the governor with the
158 advice and consent of the senate, and the state codes
159 manager appointed under this subsection. Members appointed
160 by the governor shall be as follows:

161 (a) One Missouri licensed architect appointed from
162 panels nominated by associations representing architects;

163 (b) One Missouri licensed professional engineer
164 appointed from panels nominated by associations representing
165 professional engineers;

166 (c) One building official appointed from panels
167 nominated by associations representing building officials;

168 (d) One fire marshal appointed from panels nominated
169 by associations representing fire marshals;

170 (e) One home builder specializing in residential
171 construction, appointed from panels nominated by
172 associations representing home builders;

173 (f) One general contractor specializing in commercial
174 construction, appointed from panels nominated by
175 associations representing general contractors;

176 (g) One electrical contractor or electrician with ten
177 years of experience in the industry, appointed from panels
178 nominated by associations or unions representing electrical
179 contractors or electricians;

180 (h) One mechanical contractor, pipefitter, or mechanic
181 with ten years of experience in the industry, appointed from
182 panels nominated by associations or unions representing
183 mechanical contractors, pipefitters, or mechanics; and

184 (i) One plumbing contractor or plumber with ten years
185 of experience in the industry, appointed from panels
186 nominated by associations or unions representing plumbing
187 contractors or plumbers.

188 (2) Of the initial members appointed by the governor,
189 five shall serve an initial term of three years and five
190 shall serve an initial term of six years. Members shall
191 have a twelve-year term limit. A member appointed after the
192 expiration of the initial term shall serve a six-year term.
193 A vacancy shall be filled in the same manner in which the
194 member vacating the office was initially appointed. Members
195 shall not receive compensation for services rendered but may
196 be reimbursed for actual and necessary expenses in an amount
197 equal to the per diem of a member of the general assembly.
198 The Missouri building codes commission shall elect a chair
199 and other officers necessary for its membership at each

200 first annual meeting and shall meet at least two times per
201 year within the state. The commission shall make decisions
202 by a two-thirds consensus. The staff of the department of
203 commerce and insurance shall provide necessary clerical,
204 research, fiscal, and legal services to the Missouri
205 building codes commission as the commission may request.

206 (3) The Missouri building codes commission shall have
207 an advisory committee on residential building codes, with
208 responsibility for developing and presenting to the
209 commission a residential building code for the commission's
210 consideration of adoption to the Missouri building codes,
211 with membership serving at the pleasure of the Missouri
212 building codes commission and to be appointed by the
213 Missouri building codes commission as follows:

214 (a) Three members with experience in residential home
215 building, no two of which shall live in the same county;

216 (b) One licensed architect who designs houses;

217 (c) Three building code officials or fire marshals, no
218 two of which shall live in the same county;

219 (d) One person with expertise in energy efficient
220 construction defined as having the home energy rater, home
221 energy professional energy auditor or similar certification,
222 or has ten years of experience working in the building
223 industry consulting on energy efficiency.

224 (4) The Missouri building codes commission shall have
225 an advisory committee on plumbing, mechanical, fuel, and gas
226 codes, with responsibility for drafting or determining
227 plumbing, mechanical, fuel, and gas codes, with membership
228 serving at the pleasure of the Missouri building codes
229 commission and to be appointed by the Missouri building
230 codes commission as follows:

231 (a) One plumber with ten years of experience in the
232 industry;

233 (b) One plumbing contractor;

234 (c) One mechanical tradesman with specialty in
235 pipefitting, sheet metal work, or heating ventilation and
236 cooling with ten years of experience in the industry;

237 (d) One mechanical contractor;

238 (e) One professional engineer specializing in
239 mechanical work;

240 (f) One professional engineer specializing in
241 plumbing, sanitary, or sewer;

242 (g) One licensed architect;

243 (h) Two building code officials;

244 (i) One fire marshal; and

245 (j) One member-at-large representing the owners and
246 users of commercial buildings.

247 (5) The Missouri building codes commission may appoint
248 additional advisory committees as it deems necessary, with
249 membership to serve at the pleasure of the commission.

250 (6) The Missouri building codes commission shall have
251 the following powers and duties:

252 (a) To maintain records of registered inspectors,
253 including, but not limited to, certifications completed;

254 (b) To provide information related to promoting and
255 coordinating inspector training;

256 (c) To hire any staff necessary for implementation of
257 this section, including a state codes manager, who shall:

258 a. Serve as an ex officio member of the Missouri
259 building codes commission; and

260 b. Be an individual:

261 (i) Licensed under chapter 327 and practicing in this
262 state as an architect or a professional engineer with at
263 least ten years of experience in the individual's trade; or

264 (ii) Certified as a building official or master code
265 professional with at least five years of supervisory
266 experience as a jurisdictional code official;

267 (d) To maintain the Missouri building codes in
268 conjunction with the state fire marshal and the state codes
269 manager; and

270 (e) To provide technical assistance to any authority
271 having jurisdiction that has adopted the Missouri building
272 codes in interpreting the Missouri building codes and
273 resolving any conflict resulting from any enforcement action
274 under this section.

275 8. (1) The Missouri building codes commission shall
276 establish fees to be charged for the issuance and renewal of
277 any construction permits, occupancy permits, or reoccupancy
278 permits issued by any agency or political subdivision of
279 this state.

280 (2) In addition to the fees established under
281 subdivision (1) of this subsection, the Missouri building
282 codes commission shall charge fees for issuance and renewal
283 of permits, as described in this subsection, by any agency
284 or political subdivision of the state authorizing work
285 governed by codes within the purview of the commission, not
286 to exceed seven dollars adjusted annually by the commission
287 based on the rate of inflation according to the Consumer
288 Price Index for All Urban Consumers for the United States as
289 reported by the Bureau of Labor Statistics, or its successor
290 index.

291 (3) The fees specified in this subsection shall be
292 collected by the agency or political subdivision issuing the

293 applicable permits, and the fees charged under subdivision
294 (2) of this subsection shall be remitted to the state
295 treasury at least monthly to be deposited in the Missouri
296 building codes fund.

297 (4) Nothing in this section shall prohibit the
298 Missouri building codes commission from offering incentives
299 for prompt payment or remittance of the fees specified in
300 this subsection.

301 9. (1) There is hereby created in the state treasury
302 the "Missouri Building Codes Fund", which shall consist of
303 fees collected under this section, appropriations by the
304 general assembly, and grants. The state fire marshal shall
305 administer the fund. The state treasurer shall be custodian
306 of the fund. In accordance with sections 30.170 and 30.180,
307 the state treasurer may approve disbursements. The fund
308 shall be a dedicated fund and, upon appropriation, moneys in
309 this fund shall be used solely as provided in this section.

310 (2) Notwithstanding the provisions of section 33.080
311 to the contrary, any moneys remaining in the fund at the end
312 of the biennium shall not revert to the credit of the
313 general revenue fund.

314 (3) The state treasurer shall invest moneys in the
315 fund in the same manner as other funds are invested. Any
316 interest and moneys earned on such investments shall be
317 credited to the fund.

318 10. The Missouri building codes commission may apply
319 for and receive grants consistent with the purposes of this
320 section. All such funds and grants shall be used or
321 expended in accordance with the provisions of this section
322 and may be used or expended for the preservation,
323 improvement, and expansion of, and intergovernmental
324 agreements between jurisdictions related to, improved

325 accessibility to jurisdictions to help fund training
326 programs for building inspectors through associations that
327 provide such training, purchasing code books for political
328 subdivisions, the operation of the office of the state code
329 manager within the department of commerce and insurance, and
330 operation of the Missouri building codes commission.

331 11. Except for the state fire code, the Missouri
332 building codes shall be administered by the state codes
333 manager with the advice and consent of the department of
334 commerce and insurance. The state codes manager shall
335 review, maintain, and, in conjunction with the Missouri
336 building codes commission, amend the Missouri building
337 codes. The state codes manager shall review the codes every
338 other three-year cycle but no less than every six years and
339 within eighteen months from the date of publication of any
340 subsequent edition of the international codes. The state
341 fire code shall be reviewed, maintained, and amended by the
342 state fire marshal. The Missouri building codes commission
343 shall hold public hearings in accordance with chapter 610 as
344 part of the process of adopting or amending codes.
345 Authorities having jurisdiction that have adopted the
346 Missouri building codes shall have an additional twelve
347 months to adopt any amendments to the Missouri building
348 codes as provided by the Missouri building codes
349 commission. If, in the determination of the Missouri
350 building codes commission, a technical update is required,
351 the commission may make necessary revisions outside of the
352 normal approved cycle.

353 12. The state codes manager and state fire marshal
354 shall not be responsible for enforcing the state building
355 codes in an authority having jurisdiction. Each authority
356 having jurisdiction shall provide enforcement in the manner

357 listed in each building code or may provide enforcement in
358 one of the following methods:

359 (1) Inspection services provided by employees of the
360 authority having jurisdiction;

361 (2) Intergovernmental agreements between authorities
362 having jurisdiction; or

363 (3) Inspectors who are registered with the Missouri
364 building codes commission.

365 13. (1) No agricultural building shall be subject to
366 any Missouri building codes adopted under this section.

367 (2) Any person owning, residing and working at, or
368 employed at any agricultural building used solely for
369 agricultural purposes shall be exempt from the provisions
370 adopted under this section as such provisions pertain to any
371 improvements, additions, or alterations of the agricultural
372 building.

373 (3) The exemption provided in subdivision (2) of this
374 subsection shall not apply to improvements, additions, or
375 alterations that repurpose the agricultural building for
376 nonagricultural purposes.

377 14. Resolution of a conflict resulting from an
378 enforcement action under this section shall be the
379 responsibility of the authority having jurisdiction that
380 adopts the Missouri building codes.

381 15. Notwithstanding any other provision of law to the
382 contrary, this section shall apply in the case of a conflict
383 between this section and any other provision of state law.

384 16. The Missouri building codes commission, the state
385 codes manager, and the state fire marshal may promulgate all
386 necessary rules and regulations for the administration of
387 this section. Any rule or portion of a rule, as that term
388 is defined in section 536.010, that is created under the

389 authority delegated in this section shall become effective
390 only if it complies with and is subject to all of the
391 provisions of chapter 536 and, if applicable, section
392 536.028. This section and chapter 536 are nonseverable and
393 if any of the powers vested with the general assembly
394 pursuant to chapter 536 to review, to delay the effective
395 date, or to disapprove and annul a rule are subsequently
396 held unconstitutional, then the grant of rulemaking
397 authority and any rule proposed or adopted after the
398 effective date of this act shall be invalid and void.

67.283. 1. A jurisdiction that adopts the Missouri
2 building codes established under section 67.280 that also
3 requires residential reoccupancy inspections on a property
4 located within such jurisdiction when there is a change in
5 ownership, tenants, or occupants shall use an appropriate
6 residential reoccupancy inspection checklist established
7 under this section with the guidance of the Missouri
8 building codes commission established in section 67.280.

9 2. (1) There is hereby established a "Residential
10 Reoccupancy Inspections Committee" of the Missouri building
11 codes commission to create standardized residential
12 reoccupancy inspection checklists. The members of such
13 committee shall be residents of Missouri and appointed by
14 the Missouri building codes commission. The committee shall
15 consist of the following members:

16 (a) Two real estate licensees with at least five years
17 of experience working with clients to help such clients
18 purchase or sell real property;

19 (b) Two building code officials with at least five
20 years of experience as a building code official;

21 (c) One property manager with at least five years of
22 experience as a property manager;

23 (d) One fire marshal with at least five years of
24 experience as a fire marshal; and

25 (e) One local municipal or county elected official
26 with at least five years of experience as an elected
27 official.

28 (2) Of the initial members appointed, two shall serve
29 a term of one year, two shall serve a term of two years, two
30 shall serve a term of three years, and one shall serve a
31 term of four years. A member appointed after the expiration
32 of the initial term shall be appointed to a four-year term.
33 A vacancy shall be filled in the same manner in which the
34 member vacating the office was originally appointed.
35 Members shall not receive compensation for services rendered
36 but may be reimbursed for actual and necessary expenses in
37 an amount equal to the per diem of a member of the general
38 assembly. The residential reoccupancy inspection committee
39 shall elect officers necessary for its membership at each
40 first annual meeting and shall meet at least two times per
41 year within the state. The Missouri building codes
42 commission shall provide necessary clerical, research,
43 fiscal, and legal services to the committee, as the
44 committee may request.

45 (3) With the advice and consent of the Missouri
46 building codes commission, the residential reoccupancy
47 inspection committee shall create a limited number of
48 residential reoccupancy inspection checklists that include
49 external and internal checklists for single-family and
50 multifamily properties existing in urban, suburban, or rural
51 areas.

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